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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,776	11/09/2000	George J. Candella	FRA175/189535	5507

22206 7590 09/29/2004

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,776

Applicant(s)

CANDELLA ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has made an updated search and found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The examiner regrets the delayed process of the application. Accordingly, claims 1-32 remain pending in the application.

2. Claims 1-32 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-32 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tetro et al. (U.S. Pat. No. 6,122,624) in view of Anderson (5,884,289).

As per claims 1, 14-16, 24-27, and 31 Tetro substantially discloses a method/system for enhanced fraud detection in electronic purchase transactions from a remote site (which is readable as Applicant's claimed invention wherein it is stated that a method for detecting fraud non-personal transactions), comprising the steps of:

transmitting the purchaser's data to a fraud-detection system, the purchaser's data including a ship-to address for the transaction (see., abstract, specifically wherein it is

Art Unit: 3621

stated that an electronic purchase is prompted to input the user's billing address and social security number, col 5, lines 47-59, the enhanced fraud detection system 10); processing the purchaser's data to determine whether the transaction is potentially fraudulent (see., abstract, specifically wherein it is stated that a determination is made whether the account associated with the social security number has been authorized for use, col 2, lines 39-61, please note that the process of matching the user's billing address and social security number is disclosed in the abstract, wherein said that a user at a remote terminal attempting to conduct an electronic purchase is prompted to input the user's billing address and social security number, where this information is used to verify the billing address of the user. Initially, the input social security number is communicated to a local account database containing information about customers as identified by their social security number).

It is to be noted that Tetro fails to explicitly disclose the step of returning the relative risks of fraudulent activity associated with the transaction. However, Anderson discloses a computer based system that alerts financial institutions to undetected multiple debit card fraud conditions in their debit card bases by scanning and analyzing cardholder debit fraud information. The result of this analysis is the possible identification of cardholders who have been defrauded but have not yet realized it, so they are at risk of additional fraudulent transactions (see., abstract, col 4, lines 7-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fraud detection of Tetro by including the limitation detailed above as

Art Unit: 3621

taught by Anderson because this would determine the dimension of fraud based on risk activity.

As per claims 2-6, 12, 18-22, 28, 30 Tetro discloses the claimed method wherein the processing step comprising parsing out the purchaser's ship-to address (see., abstract, col 39-61, specifically wherein it is stated that inputting the user's address).

As per claim 7, Tetro discloses the claimed method wherein the ship-to address checking step comprises checking the area code of the purchaser's phone number to determine if fits the geographic area of the ship-to address (see., abstract, col 39-61).

As per claims 8-11, 13, 23, 28, 29, Tetro discloses the claimed method wherein the ship-to address checking step comprises comparing the purchaser's ship-to address against the national of address service database or the publisher's change of address database (see., col 5, lines 61-67, col 6, lines 1-42, figs 2, 4, and 5, item 500).

As per claims 17, and 32 Tetro discloses the claimed method wherein the step of calculating comprising a score based at least in part upon the likelihood that the transaction is fraudulent (see., col 5, lines 47-60 , please note that the step of calculating a score is equivalent a threshold check).

Art Unit: 3621

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 07/12/2004 (Appeal Brief) have been fully considered but they are moot in view of new ground (s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary patent Examiner

September 27, 2004